

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CA NO. 04-10927-RGS

RONALD JORDAN, ROBERT  
MCKAY, and MBTA POLICE  
PATROLMAN'S UNION,  
Plaintiffs,

v.

JOSEPH C. CARTER, Individually  
and as Chief of the MBTA Police  
Department, and MBTA POLICE  
DEPARTMENT,  
Defendants.

**ASSENTED TO MOTION TO EXTEND DEADLINE FOR SUMMARY JUDGMENT  
OPPOSITION**

The plaintiffs in the above action, through their counsel, move to extend the time in which to file their opposition to the defendants' motion for summary judgment up to and including February 2, 2007.

As grounds therefor, counsel for the plaintiffs states that he is scheduled to commence three trials during the month of January with the first in the matter of Rosenthal v. Town of Brookline, 04-12092-DPW on January 8, 2007 and two others in Essex County Superior Court on January 16, 2007 and Wareham District Court on January 21, 2007.

Wherefore, the plaintiffs respectfully request that the above extension be allowed.

The Plaintiffs,

By their Attorneys,

/s/ James W. Simpson, Jr.  
Merrick, Louison & Costello, LLP.  
67 Batterymarch Street  
Boston, MA 02110  
BBO# 634344

(617) 439-0305

The defendant, Joseph Carter, and  
the MBTA Police Department

By their attorneys,

/s/ Mark W. Batten  
Mark W. Batten (BBO# 566211)  
Eben A. Krim (BBO# 652506)  
Proskauer, Rose, LLP.

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Floor  
Boston, MA 02110.  
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**CERTIFICATE OF SERVICE**

I, James W. Simpson, Jr. hereby certify that on January 5, 2007 I served the foregoing by causing a copy to be electronically directed to: **Mark W. Batten, Esquire**, PROSKAUER ROSE, LLP, One International Place, Boston, MA 02110.

/s/ James W. Simpson, Jr.  
James W. Simpson, Jr.